IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 15465 of 2002

Between:

Mohd. Faizuddin s/o Abdul Khareem,
R/o 17-1-304/4, Edi Bazar,
Hyderabad.

..... PETITIONER

AND

1 Asst. Commissioner of Police, Santhoshnagar Division, south zone,
Edi Bazar , Hyderabad.
2 The Inspector of Police, Santhoshnagar Police Station,
Hyderabad
3 The Inspector of Police Shamsheergunj Police Station,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to quash the letter bearing No. 557/lW /ACP-STN./DIVN/2002 ,dt 07-08-2002 addressed by the 1st respondent to the petitioner informing that the rowdy/ history sheet is in force and consequently declaring the action of the respondents in continuing the Rowdy/ History Sheet against the petitioner at Santhoshnagar and Shamshergunj police stations , as arbitrary, illegal, uncostitutional and violative of Art.21 of the constitution of India and further set aside the said rowdy/history sheet.

Counsel for the Petitioner:MR.P.SHIV KUMAR

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

ORDER:

At the request of the learned counsel appearing on either side, the main writ petition itself is taken up for disposal.

Heard both sides.

The petitioner, who is a resident of Edi bazar, Hyderabad, has filed this Writ Petition seeking a *Writ of Mandamus* to quash the letter, dated 07.08.2002, wherein the request of the petitioner made through an application, dated 08.07.2002, for closure of the history sheet (rowdy sheet) against him was rejected, and consequently to declare the action of the respondents in continuing the rowdy/history sheet opened against him at Santhoshnagar and Shamsheergunj Police Station as illegal and arbitrary.

The case of the petitioner, in brief, is that he has not involved in any of the offences which affect the public law and order, and that even as per the Police Standing Orders, the question of opening the rowdy sheet against him does not arise. It is stated that though there have been some cases registered against him, under the Negotiable Instruments Act, all of them have ended in acquittal. It is his further case that a certain person has filed some cases against him alleging forgery and impersonation, and that they are not in any way entitle the respondents to open the rowdy sheet. It is also pointed out that even in the earlier occasion when the petitioner has filed the Writ Petition in W.P.No.13919 of 2001, this Court through its order, dated 12.06.2002, directed the respondents to consider the application of the petitioner in view of the principles laid down in the Judgment of this Court in *S.Satyanarayana v. State of A.P.* In spite of the same, the respondents rejected the request of the petitioner. Hence, this writ petition.

In the counter affidavit filed by the respondents, except mentioning the cases

referred to by the petitioner, no other allegations, in respect of any other offences, committed by the petitioner, are mentioned. Further, referring to the allegations made against the petitioner, it was stated that pending of a rowdy sheet is perfectly valid and correct.

On considering the submissions made on either side and also on perusal of the material available on record, it is clear that the respondents have not taken into consideration the principles laid down by this Court in Satyanarayana's case (supra), rendered in W.P.No.13919 of 2001. The impugned orders are cryptic, laconic and do not contain any reasons as to why the opening of rowdy sheet against the petitioner should be continued. More so, there is no allegation of such serious offences, and registration of cases against the petitioner, involving public law and order, affecting the society.

Having regard to the same, I do not find any justification in opening of rowdy sheet against the petitioner. The writ petition is accordingly allowed and the impugned order is set aside. The history/rowdy sheet opened against the petitioner is set aside. No costs.

23.08.2004

Note: Furnish copy in one week.

B/o.(ts)

To

1 Asst. Commissioner of Police, Santhoshnagar Division, south zone, Edi Bazar , Hyderabad.
2 The Inspector of Police, Santhoshnagar Police Station, Hyderabad
3 The Inspector of Police Shamsheergunj Police Station, Hyderabad.

4. 2 CCs to the G.P. for Home, High Court Buildings, Hyderabad (O.U.T)

5. 2 CD Copies.